

## Remarks

### I. Introduction

Claims 1-20 are currently pending in the subject application and stand rejected. Applicant has amended claims 1, 6, 13, 15, 16, 18 and 20. Applicant respectfully submits that all claims are now in condition for allowance.

In addition, Applicant thanks the Examiner for the courtesy of a telephone interview with Applicant's undersigned representative to discuss the Office Action. The discussions conducted during the telephone interview have been taken into consideration in the present response.

### II. Claim rejections under 35 U.S.C. §112

Claims 15-20 were rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicant regards as the invention." Applicant traverses this rejection.

Applicant has herein amended claim 15 to clarify that the shaft arm includes a multi-sided key shaft arm. Claims 16-17 depend either directly or indirectly from claim 15. Thus, Applicant respectfully submits that claims 15-17 are in condition for allowance.

With respect to claim 18, Applicant respectfully submits asserts that the present language is not improper. See MPEP §2181. The Office Action proposes that it is improper to use the phrase "means for torquing" to recite a claim element as a means for performing a specified function due to the placement of the words "for torquing" before the word "means". However, the Office Action misstates form paragraph 7.34.11, which reads "[r]egarding claim [1], the word 'means' is **preceded by** the word(s) [...]" as opposed to the phrase "followed by" used in the Office Action. See MPEP §706.03(d), *emphasis added*. This misstatement of form paragraph 7.34.11 leads to the erroneous application of the principle presented in the MPEP.

As recited in the MPEP, the phrase "latch means" can be restated as "means for latching" and is "clearly definite." See *id.* Further, the MPEP illustrates that the phrases "'printing means' and 'means for printing'" have the same

connotation. See MPEP §2181, *citing Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). The cited case goes on to state that the words “plate” and “wing” are not proper modifiers because they do not specify a function. See *id.* Thus, in this instance, Section 112 does not concern itself with the placement of the modifier but rather the use of a proper modifier that specifies a function. Applicant respectfully submits that claim 18, and thus claims 19-20 which ultimately depend from claim 18, are proper in their present form and in condition for allowance.

### III. Claim rejections under 35 U.S.C. §102

To anticipate a claimed invention under 35 U.S.C. §102, “each and every element as set forth in the claim” must be found in the reference. See, e.g., MPEP §2131. Further, to anticipate, the “elements must be arranged [in the cited prior art reference] as required by the claim”. See, e.g., MPEP §2131.

Claims 1-4, 6-8, 12-14 and 18-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent no. 4,840,094 to Macor (the “’094 patent”). The ‘094 patent discloses a multiple socket device 1 having a second member 25 that is slidably mounted within a first member 5 forming a continuous hollow structure to accommodate four different conventional socket sizes. See ‘094 patent, col. 3, ll. 25-41, 68 and col. 4, ll. 1-2. Applicant traverses this rejection.

Without acquiescing to any of the rejections or other statements asserted in the Office Action and expressly reserving the right to further address such rejections and/or statements in the future, Applicant has herein amended independent claims 1, 13 and 18 to clarify that the first cavity of the first socket is independent of the second cavity of the second socket. Claims 2-4, 6-8 and 12 ultimately depend from claim 1, while claim 14 depends from claim 13. In addition, claims 19-20 depend from claim 18. Thus, because the ‘094 patent does not teach or suggest at least these limitations as now claimed, it does not anticipate claims 1-4, 6-8, 12-14 and 18-20.

Based on the following remarks, reconsideration and allowance are respectfully requested for all pending, rejected claims of the subject application.

#### IV. Claim rejections under 35 U.S.C. §103

Claims 5, 6 and 15-17 stand rejected under this section as unpatentable over the '094 patent in view of U.S. Patent no. 1,281,438 to Tuttle (the "'438 patent"). Applicant traverses this rejection.

A *prima facie* case of obviousness may only be established where three basic criteria are all met. See, e.g., MPEP §2143. There must be a motivation or suggestion to combine or modify teachings with a reasonable expectation of success and the prior art reference(s) must teach or suggest every claim limitation. See *id.*

The '438 patent does not teach or suggest the limitations in amended claims 1 and 13. Claims 5 and 6 ultimately depend from amended claim 1, an allowable claim, and claims 15-17 ultimately depend from amended claim 13, which is also an allowable claim. Therefore, Applicant submits that claims 5, 6 and 15-17 are allowable for at least these reasons. Accordingly, withdrawal of this rejection is requested and Applicant submits that these claims are in condition for allowance.

Claims 8-10 were rejected as being "unpatentable" over the '094 patent in view of the '438 patent and further in view of U.S. Patent no. 6,098,503 to Hlinka (the "'503 patent"). Applicant traverses this rejection.

Applicant has amended independent claim 1. The '503 patent fails to teach that the first cavity of the first socket is independent of the second cavity of the second socket. Claims 8-10 ultimately depend from claim 1. Thus, Claims 8-10 are allowable for at least these reasons. Accordingly, withdrawal of this rejection is requested and Applicant submits that these claims are in condition for allowance.

#### V. Claim 11

Claim 11 was not addressed in the Office Action. Claim 11 ultimately depends from amended claim 1, an allowable claim. As such, Applicant respectfully submits that claim 11 is also in condition for allowance.

#### VI. Summary

Applicant respectfully requests withdrawal of the all rejections set forth in the Office Action. Applicant submits that all of the pending claims are in condition for

allowance. Accordingly, reconsideration and passage to allowance of the subject application at an early date are earnestly solicited. If the undersigned can be of assistance in advancing the Subject Application to allowance, the Examiner may contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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